

Docket No.

31140A

# Declaration and Power of Attorney For Patent Application

## English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**Prevention Of Ovarian Cancer By Administration Of A Vitamin D Compound**

the specification of which

(check one)

☒ is attached hereto.

☐ was filed on \_\_\_\_\_ as United States Application No. or PCT International Application Number \_\_\_\_\_ and was amended on \_\_\_\_\_

(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed

\_\_\_\_\_  
(Number)

\_\_\_\_\_  
(Country)

\_\_\_\_\_  
(Day/Month/Year Filed)

☐

\_\_\_\_\_  
(Number)

\_\_\_\_\_  
(Country)

\_\_\_\_\_  
(Day/Month/Year Filed)

☐

\_\_\_\_\_  
(Number)

\_\_\_\_\_  
(Country)

\_\_\_\_\_  
(Day/Month/Year Filed)

☐

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

08/873,010

June 11, 1997

Pending

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Status)  
(patented, pending, abandoned)

08/713,834

September 13, 1996

Pending

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Status)  
(patented, pending, abandoned)

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Status)  
(patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

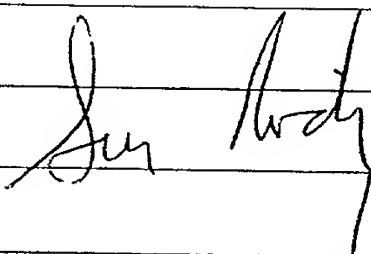
POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. *(list name and registration number)*

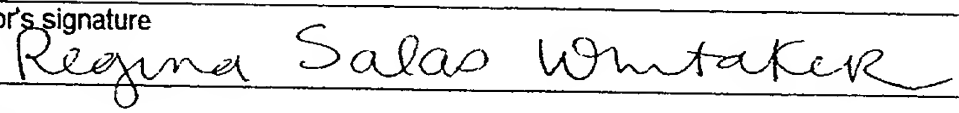
Harry J. Roper (Reg. No. 22,444), George S. Bosy  
(Reg. No. 29,364), William P. Oberhardt (Reg. No.  
31,861), Raymond N. Nimrod (Reg. No. 31,987),  
Steven R. Trybus (Reg. No. 32,760), Aaron A. Barlow  
(Reg. No. 34,119), Sarah L. Taylor (Reg. No. 40,836),  
Timothy J. Barron (Reg. No. 39,599), David R. Bennett  
(Reg. No. 43,943), and Jason G. Harp (Reg. No.  
42,634), all of the firm of Roper & Quigg, located  
at 200 South Michigan Avenue, Suite 1000,  
Chicago, Illinois 60604, and Archie W. Umphlett  
(Reg. No. 25,935), of said firm located at

Three Crystal Park, 2231 Crystal Drive,  
Suite 410, Arlington, Virginia 22202

Send Correspondence to: Raymond N. Nimrod  
Roper & Quigg  
200 South Michigan Avenue, Suite 1000  
Chicago, Illinois 60604

Direct Telephone Calls to: *(name and telephone number)*  
Raymond N. Nimrod (312) 408-0855

Full name of sole or first inventor	<b>Gustavo C. Rodriguez</b>	
Sole or first inventor's signature		Date January <u>5</u> , 2000
Residence	<b>United States</b>	
Citizenship	<b>United States</b>	
Post Office Address	<b>4205 Amesbury Lane</b>	
	<b>Durham, North Carolina 27707</b>	

Full name of second inventor, if any	<b>Regina Salas Whitaker</b>	
Second inventor's signature		Date January <u>5</u> , 2000
Residence	<b>United States</b>	
Citizenship	<b>United States</b>	
Post Office Address	<b>5522 Quail Hollow Drive</b>	
	<b>Hillsborough, North Carolina 27278</b>	

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.9(f) AND 1.27 (c)) - SMALL BUSINESS CONCERN**

Docket No.  
31140A

Serial No.

Filing Date

Patent No.

Issue Date

Applicant/ **Gustavo C. Rodriguez**  
Patentee:

Invention: **Prevention Of Ovarian Cancer By Administration Of A Vitamin D Compound**

I hereby declare that I am:

- ☐ the owner of the small business concern identified below:
- ☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: New Life Pharmaceuticals Inc.ADDRESS OF CONCERN: 200 South Michigan Avenue, Suite 1000, Chicago, Illinois 60604

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 37 CFR 1.9(d), and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the above identified invention described in:

- ☒ the specification filed herewith with title as listed above.
- ☐ the application identified above.
- ☐ the patent identified above.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed on the next page and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- ☒ no such person, concern or organization exists.  
☐ each such person, concern or organization is listed below.

FULL NAME

ADDRESS

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

FULL NAME

ADDRESS

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

FULL NAME

ADDRESS

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

FULL NAME

ADDRESS

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING:

Raymond N. Nimrod

TITLE OF PERSON SIGNING

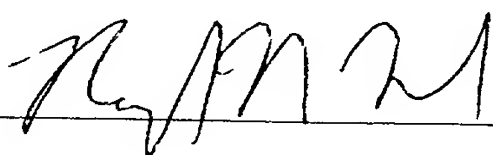
OTHER THAN OWNER:

Registered Agent

ADDRESS OF PERSON SIGNING:

200 South Michigan Avenue  
Suite 1000  
Chicago, Illinois 60604

SIGNATURE:


DATE: January 7, 2000

**Assignment of Rights, Title and Interest in Invention**  
**(Multiple inventors; single assignee)**

Docket No.

31140

*This is an Assignment of the following rights, title and interest: (check all that apply):*

- ☒ *United States of America rights, title and interest in the invention*  
☒ *Foreign rights, title and interest in the invention*  
☒ *United States Patent Application Serial No. 08/873,010*

*Date of Execution:* June 11, 1997

*Date of Filing:* June 11, 1997

☐ *United States Provisional Patent Application Serial No.*

☐ *United States Patent No(s).*

☐ *International (PCT) Patent Application Serial No.*

☐ *Other (specify)*

COPY

**Title of the Invention**

Prevention Of Ovarian Cancer By Administration Of A Vitamin D Compound

**Inventors (assignors)**

<i>Name</i>	<i>Address</i>
Gustavo C. Rodriguez	4205 Amesbury Lane, Durham, North Carolina 27707
Regina Salas Whitaker	5522 Quail Hollow Drive, Hillsborough, North Carolina 27278

**Assignee**

<i>Name</i>	<i>Address</i>
New Life Pharmaceuticals Inc.	200 South Michigan Avenue Suit 1000 Chicago, Illinois 60604

### **Assignment of Rights, Title and Interest in Invention (Multiple inventors; single assignee)**

Docket No.

**31140**

Whereas, we, the above-identified Inventors, have invented certain new and useful improvements in the Invention identified above and described in the above-identified patent application(s) and/or patent(s) (hereinafter referred to as "Invention");

And, whereas we desire to assign our above-identified rights, title and interest in the Invention to the above-identified Assignee;

Now, this indenture witnesseth, that for good and valuable consideration, the receipt whereof is hereby acknowledged;

*We hereby assign, sell and transfer our above-identified rights, title and interest in said Invention, said application(s) as identified above, including any divisions, continuations, and continuations-in-part thereof, and in and to any and all Letters Patent of the United States, and countries foreign thereto, which may be granted or have granted for said Invention, and in and to any and all reissues and reexaminations thereof, and in and to any and all priority rights, Convention rights, and other benefits accruing or to accrue to us with respect to the filing of applications for patents or securing of patents in the United States and countries foreign thereto, unto said Assignee;*

And we hereby authorize and request the Commissioner of Patents and Trademarks to issue any United States Letters Patent which may issue for said Invention to said Assignee, as assignee of the whole right, title and interest thereto;

And we further agree to sign and execute all necessary and lawful future documents, including applications for foreign patents, for filing divisions, continuations and continuations-in-part of said application for patent, and/or, for obtaining any reissue or reissues of any Letters Patent which may be granted for my aforesaid Invention, as the Assignee or its Designee(s) may from time to time require and prepare at its own expense.

*Inventors' Signatures (if Notarization is desired, do not sign here and proceed to next page)*

[illegible]

Assignment of Rights, Title and Interest in Invention  
(Multiple inventors; single assignee)

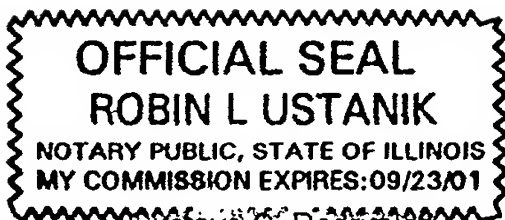
Docket No.  
31140

Notarization

(Although notarization is not necessary, it will be considered prima facie evidence of execution pursuant to 35 U.S.C. 261.)

Executed this 22 day of December, in the year 1999  
at Chicago, IL

State of Illinois  
County of Cook



(Signature of Inventor)

Before me personally appeared Gustavo C. Rodriguez  
who acknowledged the foregoing instrument to be a free act and deed and also represented that he or she is authorized to  
execute the same this 22nd day of December, in the year 1999

(Notary Public)

Executed this 28 day of December, in the year 1999  
at Durham, N.C.

State of North Carolina  
County of Durham

(Signature of Inventor)

Before me personally appeared Regina Salas Whitaker  
who acknowledged the foregoing instrument to be a free act and deed and also represented that he or she is authorized to  
execute the same this 28 day of December, in the year 1999

(Notary Public)

Executed this day of, in the year  
at

State of  
County of

(Signature of Inventor)

Before me personally appeared  
who acknowledged the foregoing instrument to be a free act and deed and also represented that he or she is authorized to  
execute the same this day of, in the year

(Notary Public)